(SRI K. HANUMANTHAIYA.)

(*e*) The Special Secretary is to deal with matters connected with the State Reorganisation as a result of the implementation of the recommendations of the States Reorganisation Commission.

Sri SIRASAPPA IJARI.—I have no supplementaries.

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## Vacancy of High Court Judge.

*Q.*—350. Sri M. RAJASEKHARA MURTHY (Yelandur).—

Will the Government be pleased to state:—

(*a*) since how long the post of High Court Judge which has fallen vacant has not been filled up;

(*b*) the reasons for not filling up the said vacancy?

*A.*—Sri K. HANUMANTHAIYA (Chief Minister).—

(*a*) Since 17th December 1954.

(*b*) It is under consideration.

Sri M. RAJASEKHARA MURTHY.—May I know, Sir, whether any name has been recommended to the Government of India for appointment as High Court Judge?

Sri K. HANUMANTHAIYA.—I have said that it is under consideration.

Sri M. RAJASEKHARA MURTHY.—I would like to know whether there is any difference of opinion between the High Court and the Government of Mysore regarding the selection of names?

Sri K. HANUMANTHAIYA.—No, Sir.

Sri M. RAJASEKHARA MURTHY.—May I know whether there is difference of opinion among the Members of the Cabinet themselves with regard to certain names?

Sri K. HANUMANTHAIYA.—The question does not arise.

Mr. SPEAKER.—What has been discussed in the Cabinet cannot be disclosed here.

Sri K. HANUMANTHAIYA.—With the permission of the Chair, I will go a step further and assure the House that there is no such difference of opinion.

Sri M. RAJASEKHARA MURTHY.—Are the Government aware that there are quite a number of appeals and writ petitions pending before the High Court for want of Judges?

Sri K. HANUMANTHAIYA.—That is a matter of opinion.

Sri M. RAJASEKHARA MURTHY.—What are the reasons for not filling up the vacancy, Sir?

Sri K. HANUMANTHAIYA.—It will be filled up.

Sri M. RAJASEKHARA MURTHY.—What are the reasons for not filling up the vacancy for such a long time?

Sri K. HANUMANTHAIYA.—There are no particular reasons.

Sri M. RAJASEKHARA MURTHY.—Then, why were not the vacancies filled up for the last one and a half years?

(*No answer.*)

Sri M. RAJASEKHARA MURTHY.—Though the vacancy arose as long back as 17th December 1954, what are the special reasons that made the Government not to take an earlier decision in the matter?

Sri K. HANUMANTHAIYA.—In the first place my Hon'ble friend is not right in presuming that the Mysore Government can alone make appointments to the High Court.

ಶ್ರೀ ಎಚ್. ಸಿ. ನಾಗಯ್ಯರೆಡ್ಡಿ.—ಯಾರು ಯಾರನ್ನು ನೇಮಿಸಲು ಕಳುಹಿಸಿಕೊಟ್ಟಿದ್ದೀರಿ ಎಂಬ ಪಟ್ಟಿಯನ್ನು ಕೊಡುತ್ತೀರಾ?

ಶ್ರೀ ಕೆ. ಹನುಮಂತಯ್ಯ.—ಕೊಡುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಎಚ್. ಸಿ. ನಾಗಯ್ಯರೆಡ್ಡಿ.—ಈ ಪಟ್ಟಿಯಲ್ಲಿ ತಮಗೆ ಅನುಕೂಲರಾದ (henchman) ಒಬ್ಬ ಅಡ್ವೊಕೇಟರ ಹೆಸರನ್ನು ಮಾತ್ರ ಕಳುಹಿಸಿ ಕೊಟ್ಟಿದ್ದೀರಿ ಎಂಬುದು ನಿಜವಲ್ಲವೇ?

ಶ್ರೀ ಕೆ. ಹನುಮಂತಯ್ಯ.—ತಾವು ಯಾವಾಗಲೂ ಕೇಳುವ ರೀತೀಯೇ ಹೀಗೆ.

ಶ್ರೀ ಎಚ್. ಸಿ. ನಾಗಯ್ಯರೆಡ್ಡಿ.—ನಾನು ಕೇಳುವ ರೀತಿಯಲ್ಲ. ನಿಮಗೆ ಅನುಕೂಲರಾದವರು ನಿಮಗೆ ಬೇಕಾದ ಒಬ್ಬ ಅಡ್ವೊಕೇಟರ ಹೆಸರನ್ನು ಮಾತ್ರ ಕಳುಹಿಸಿರುವುದು ನಿಜವಲ್ಲವೇ?

Sri K. HANUMANTHAIYA.—I refuse to answer such a question. It is an insinuation.

Sri N. C NAGAIAH REDDY.—What I am saying is correct. It is not an insinuation.

*(No answer.)*

ವಿ. ಗೋವಿಂದರಾಜುಲು ಎಂಬವರ ಹೆಸರನ್ನು ಮಾತ್ರ ಕೇಂದ್ರಕ್ಕೆ ಕಳುಹಿಸಿರುವುದು ನಿಜವೇ ?

Sri K. HANUMANTHAIYA.—The Hon'ble Member is accustomed to put such questions. Unless he withdraws the insinuation, I refuse to answer his questions.

Sri N. C. NAGAIAH REDDY.—Where is the insinuation, I want to know.

Mr. SPEAKER.—With regard to the particular question to which the Chief Minister has taken objection, I say that it is not right for the Hon'ble Member to put such a question. So far as the subsequent questions are concerned, they are in order and they have to be answered.

Sri K. HANUMANTHAIYA.—I have been saying and I have taken a decision; let it be a matter of privilege. This Hon'ble Member is putting such questions from a long time. I do not propose to answer his further questions unless he withdraws his last question.

Sri N. C. NAGAIAH REDDY—The Hon'ble Chief Minister is committing blunders after blunders and he does not want us to expose it.

Mr. SPEAKER.—If the Hon'ble member puts a question and if the Government does not furnish a reply, I cannot force the Government to give a reply.

Sri N. C. NAGAIAH REDDY.—* * * He is there to answer my questions. It is my privilege to put questions * * * *

Mr. SPEAKER.—I have already given my opinion though not a ruling. Hon'ble Member is entitled to put questions and the Government is expected to answer them. But if an Hon'ble Minister refuses to answer, I cannot force him to answer. That is the position under the rules. That I have stated to the Hon'ble Member.

Sri N. C. NAGAIAH REDDY.—Has the Chief Minister come to this House to warn the Chair ?

Mr. SPEAKER.—No, nothing like that. I have told the Hon'ble Member the position under the rules. The Hon'ble Member can put questions and the Government is expected to reply; if the Government does not reply, I cannot force them to reply. It is left to the Hon'ble Member and the House to find out a solution.

Sri T. CHANNIAH.—Mr. Speaker, Sir, I beg to point out that the Hon'ble Member Sri N. C. Nagaiah Reddy said: * * * * * * *

Sri A. V. NARASIMHA REDDY.—I am raising a point of order, Mr. Speaker. I would like to know under what provision the Minister for Public Health could rise up and say this. Is he raising a point of order or is it an interruption ? Is he right in standing up and saying something in the matter at this time ?

Mr. SPEAKER.—I would like to know what the Hon'ble Minister for Public Health is going to say.

Sri T. CHANNIAH.—I wanted to point out to the Chair that a member of the House could not use such words addressing the Chief Minister * * * * * * The Speaker must warn the Hon'ble Member properly. He should not be left like this.

Mr. SPEAKER.—The point raised by the Hon'ble Minister Sri Channiah, is correct. No Hon'ble Member should use a language which is not consistent with the dignity of this House, either against any other Hon'ble member of the House or against any Minister.

Sri N. C. NAGAIAH REDDY.—Where is it, may I know, that I used an expression which is not consistent with the dignity of the House, Sir?

Mr. SPEAKER.—I have given my ruling: that is the procedure that should be adopted.

Sri N. C. NAGAIAH REDDY. May I know the word which is not consistent with the dignity of the House ?

Mr. SPEAKER.—The language used by the Hon'ble member is not what an Hon'ble Member should use.

* * * Expunged as ordered by the Speaker.

Sri N. C. NAGAIAH REDDY.—That is the only possible way.

Mr. SPEAKER.—I do not want any direction from the Hon'ble Member. So far as the procedure is concerned, I am the highest authority here.

ಶ್ರೀ ಎನ್. ಸಿ. ನಾಗಯ್ಯರೆಡ್ಡಿ.—ನೀವು ಶಿಫಾರ್ಸು ಮಾಡಿದ ಮೇಲೆ 'ಆ ಹೆಸರು ಬೇಡ, ಒಂದು ಪ್ಯಾನಲ್ ಆಫ್ ನೇಮ್ಸ್ ಕಳುಹಿಸಿ' ಎಂದು ಕೇಂದ್ರದಿಂದ ಆ ಶಿಫಾರ್ಸು ವಾಪಸು ಬಂದಿರುವುದು ನಿಜವೆ ?

(No answer)

Sri N. C. NAGAIAH REDDY.—If the Government do not appoint a High Court Judge for the last 1½ years, do you call this efficiency ?

(No answer)

Sri K. PUTTASWAMY.—I rise to a point of order, Sir. The Hon'ble Member is putting questions and there is no attempt on the part of the Government even to reply. If such a procedure is permitted, Sir, it would take away a very substantial right of the member. This is a point which the Hon'ble Speaker has to decide.

Sri K. HANUMANTHAIYA.—What my Hon'ble friend Sri K. Puttaswamy has said is correct ; I agree with him. I have been watching this Hon'ble Member (Sri N. C. Nagaiah Reddy) and the House is also aware, and he uses words like 'hardened criminal' and so many other words. I know the House has been tolerant; it is because his remarks for the last so many months or years, as the case may be, were not taken seriously. The Hon'ble Member seems to be under the impression that he is being appreciated for using these remarks with extreme language. Therefore, I have said advisedly that unless the Hon'ble Member realised his mistake, I do not propose to answer him. And I have already said, if it is a matter of privilege, it could be so raised in this House. The stand I have taken refers only to Sri Nagaiah Reddy, an Hon'ble Member of this House; it does not apply to other Hon'ble members.

Sri T. MARIAPPA.—Sir, this is purely a question hour. The Hon'ble Chief Minister can take objection to any particular supplementary question put by any Hon'ble Member and refuse to answer it. But, he cannot say that he would not reply to any of the supplementaries of that Hon'ble Member. If a member behaves inconsistently with the dignity of the House, there are other ways open. There are other occasions to bring home to such member and correct him. Apart from that, there would be a breach of privilege if the Chief Minister takes a stand that he would not answer any supplementaries of a member. If there is any offensive supplementary, certainly he can take objection and not answer that supplementary. I think that is enough.

Sri K. HANUMANTHAIYA.—I think much time need not be taken on this point; we shall think over this matter, because this has arisen for the first time. We shall examine the Parliamentary conventions in this behalf.

Sri N. C. NAGAIAH REDDY.—Whenever I say something, I say the hard truth.

Sri A. BHEEMAPPA NAIK.—In this connection I would also like to say a word. It is wrong on the part of any Hon'ble Member to use words which are not consistent with the dignity of the House or not palatable to another member. If Sri Nagaiah Reddy has used any such word, the Speaker could say that he should not use it. It is tantamount to either withdrawal of the word or that the House takes it that such word should not be used; there it ends. The Chief Minister need not take it seriously and say that he would not answer the further supplementaries of that member. I submit, this is not a correct stand. The objection of the Chief Minister was upheld by the Speaker. Therefore, I would submit that the Leader of the House need not take it very seriously and as a graceful gesture answer any further supplementaries put by Sri N. C. Nagaiah Reddy; that would take off the sting.

12-30 P.M.

Sri K. HANUMANTHAIYA.—I am very glad that the Hon'ble Member Sri Bheemappa Naik has stated that when the Speaker said that those words could not be used, they were

deemed to have been taken off the that these record. It is not for the first time that things are happening. If I express an opinion, it is not so much because I am unable to answer a quesion I can answer hundreds of questions I am seeing the Hon'ble Member continuously not keeping up the dignity and deccrum of the House in using certain words. There must be an end to it. The House understands and everyone understands that I am very anxious that the dignity of this House should be safeguarded and all of us are prepared to make any sacrifice in order to safeguard the dignity and decorum of the House. I have already said that if Sri Nagaiah Reddy who put that question says that he has withdrawn his insinuation, I have nothing to quarrel; I will answer every question. But if he says that what he has said is nothing but truth, he is persisting in his attitude which this House does not approve of.

Sri A. V. NARASIMHA REDDY.—It is not fair on the part of any member of this House to go back and try to summarise the previous incidents that might have occurred in this House, because whenever such occasions had arisen in the same House, objection had been raised and a ruling of the Chair had been given. Now only this particular incident has happened over which the Chair has given a particular ruling. Even as against that, if there is to be an explanation, I am afraid Sir, there is no room for any explanation or further talk after the Chair gives a ruling. That is a very well known convention known to every member of this House. Whether it be a member of this House or a Minister, nobody can rise and say even after the ruling of the Chair that he has a further case to put forth and that he has got certain more things to be acted upon when he would be in a position to answer further questions and all that. Therefore I am unable to reconcile myself to the attitude of specially our Chief Minister when he rises and says that he is still to be convinced of certain matter. I cannot understand this. I want a ruling of the Chair over this matter.

Mr. SPEAKER.—We can raise this matter after the question hour. That would be better.

Sri K. PUTTASWAMY.—If you please permit me, I will just say this. The Chief Minister arrogated to himself the functions of the Chair. He should have submitted to the Chair to direct the Hon'ble Member to withdraw any remarks to which he takes offence. If the Chief Minister feels that any of the words that the Hon'ble Member has used are unparliamentary or, are not in keeping with the dignity of this House, he has every liberty to request the Chair to give a ruling and also request the Chair to see that the Hon'ble Member withdraws his remarks, failing which he might even request the Chair to see that the Hon'ble Member is suspended. He does not do any of these things. He takes upon himself the role of the Speaker and says that he refuses to answer unless the Hon'ble Member withdraws his remarks. I may submit that the Chief Minister is not in order in saying that he refuses to answer unless the member withdraws his remarks, and that he is not going to respond to the member and so on. On the other hand, he has to submit to the Chair for a ruling in the matter and all of us without any exception will certainly bow to any ruling given by the Chair. Therefore, I have risen to a point of order. I request that the Chair may be pleased to give a ruling on this issue.

Sri A. G. RAMACHANDRA RAO.—This is a question hour. The Hon'ble Chair has given a ruling on the point raised. If there are other issues in respect of this matter, we will have to seek after other methods and not waste the time of the House. We have got to take up questions during the question hour. But what has happened is, in indulging in remarks which are not of parliamentary nature, one member says one thing, another member says 'arrogating or imputing' and so on. I submit, in order to put an end to this, the question hour may be used only for the purpose of answering questions. Any aspect relating to this question may be taken up on an appropriate motion at a later stage.

Sri A. BHEEMAPPA NAIK.—This is going to create a constitutional deadlock. One Hon'ble Minister says that he is not going to answer any questions put by a particular member, whether they are right or not, unless be withdraws his remarks. At this rate, it only means we are quarrelling among ourselves without the Speaker giving a proper ruling. The Speaker must at least force the Hon'ble Minister to answer or ask the Hon'ble Member to withdraw his remarks or anything of that kind. If this goes on, where is the order, where is the Constitution? The question hour may be utilised to give a proper ruling. Otherwise, what is the meaning of somebody getting up and raising a point of order and that not being decided properly?

Sri J. MOHAMED IMAM.—I do not want to interfere in this affair because it is purely a party affair.

Mr. SPEAKER.—Not a party affair.

Sri J. MOHAMED IMAM.—Because it is an affair concerning themselves. But anyhow we on this side are interested in upholding the dignity and the decorum of the House. If I remember correctly, I think this is the first time that such a situation has arisen and if any issues are involved which affect the privileges of this House and the privileges of the members they should be looked into. For example, the first issue that has arisen is whether a Minister, on his own grievance, can refuse to answer a supplementary question put by a member of this House or should he refer this to the Speaker and be guided by his ruling. As pointed out by Sri Bheemappa Naik, many constitutional issues have arisen which have to be discussed. An interesting situation also has arisen. The question may be postponed to another day and the discussion also may be postponed and we would like to study the parliamentary procedure and other things. If the House agrees, we can postpone the entire question to another day when we can discuss at a cool moment.

Mr. SPEAKER.—Has Sri Nagaiah Reddy anything to say in the matter?

Sri N. C. NAGAIAH REDDY.—What can I say if the Chief Minister does not obey your ruling? Tomorrow if you were to ask me to sit down and I do not sit down, what will be the consequence?

Mr. SPEAKER.—If that occasion arises, I will give my ruling. But so far as this matter is concerned, I wish to say that any Hon'ble Member or Minister is expected to draw my attention to the fact that an unparliamentary word has been used and I will surely order that member to withdraw that word.

Sri K. HANUMANTHAIYA.—That is all the point now.

Mr. SPEAKER.—May I know what is the word used?

Sri K. HANUMANTHAIYA.—He says: 'henchman.' According to the rules relating to questions, there should be no insinuation, especially with reference to proposals about the appointment of a High Court Judge. It will have bad repercussions in the country and in the House. It is not a question of my disobeying the directions of the Chair. The direction was given to the member to obey and still he says 'I speak the truth'; he and not the Minister, is disobeying the direction of the Chair If your direction is obeyed, the question gets itself solved then and there.

Mr. SPEAKER.—If any Hon'ble Member were to go through the Rules of Procedure and Conduct of Business and find out what is the nature of the question that each member can put and which can be answered, there will be no trouble. It is clearly contained in the Rules of Procedure that no insinuations or unparliamentary words should be used either during question time or during the time of debate on other matters. Therefore, I request Hon'ble Members not to use any such unparliamentary word. What the Chief Minister says is correct, namely, if an Hon'ble Member makes insinuations against another Hon'ble Member, it becomes very difficult for the House to carry on the proceedings of the day. Therefore, I request the Hon'ble Member not to use any insinuatory or unparliamentary word. So far as tha

particular word 'henchman' is concerned, I have yet to find out whether it is unparliamentary or not in that particular reference. I will give my ruling later regarding that point.

So far as the other words used by the Hon'ble Member are concerned, those words are most unparliamentary and I direct that those words be expunged from the recorded proceedings.

Sri K. HANUMANTHAIYA.—Now he can ask the question.

Mr. SPEAKER.—Sri Nagaiah Reddy can ask questions.

Sri K. PUTTASWAMY.—No reason has been given for not filling up the said vacancy. May I request the Government to give the reasons for the delay in making the appointments ?

Sri K. HANUMANTHAIYA.—It is all confidential correspondence and the reasons cannot be disclosed.

Sri K. PUTTASWAMY.—Has it come to the notice of the Government that cases are pending in the High Court on account of the fact that no appointments are made ?

Sri K. HANUMANTHAIYA.—That aspect has not been brought to my notice by the High Court.

Sri B. NARAYANASWAMY.—To the question: 'What are the reasons for not filling up the said vacancy', the answer is : 'It is under consideration'. Am I to understand that the reasons are under consideration or the filling up of the vacancy is under consideration ?

Sri K. HANUMANTHAIYA.—No reason is under consideration. Correspondence takes place between three or four authorities—the Government of India, the Government of Mysore, the High Court of Mysore and the Chief Justice of the Supreme Court. Correspondence has to pass through all the four duly constituted authorities and that takes time.

Sri B. NARAYANASWAMY.—Am I to understand that the Supreme Court or the Government of India have not made any communication or given intimation in this matter ?

Sri K. HANUMANTHAIYA.—As I said, communications are in the form of correspondence and it is going on.

Sri B. NARAYANASWAMY.—Have the Government recommended any name to the Central Government ?

Sri K. HANUMANTHAIYA.—Names have to be recommended ; it is obvious.

Sri B. NARAYANASWAMY.—What are the special reasons for the delay ? Are there any special reasons for this delay ?

Sri K. HANUMANTHAIYA.—No special reason.

Sri R. ANANTARAMAN.—Is it a fact that there are two vacancies ?

Sri K. HANUMANTHAIYA.—No. Only one vacancy.

Sri R. ANANTARAMAN.—Is it true that the Centre has given a direction to the State that no vacancies of a superior nature should be filled up pending the formation of the State ?

Sri K. HANUMANTHAIYA.—It cannot be disclosed.

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## Munsiffs' Posts (Representation of Scheduled Castes.)

*Q.*—43. Sri B. RACHIAH (Yelandur-Scheduled Castes).—

Will the Government be pleased to state :—

(*a*) the number of Munsiffs taken during the last two years ;

(*b*) the number of posts reserved for Scheduled Castes ;

(*c*) the action taken to fill up these reserved vacancies ?

*A.*—Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—

(*a*) 12.

(*b*) 2.

(*c*) As there were no applicants who were qualified under the rules these vacancies could not be filled up.

Sri B. RACHIAH.—When were these 12 vacancies filled up ?

*Sri A. G. RAMACHANDRA RAO.—About a couple of months ago.

Sri B. RACHIAH.—How many times the two reserved vacancies were advertised ?

*Asterisk indicates that the speech has not been revised by the Member concerned.